

Date..... December 3, 2007

**RESOLUTION APPROVING PAYMENT OF BILLINGS FROM THE MYERS & JENKINS LAW FIRM RETAINED TO REPRESENT THE CITY IN THE UAL CORPORATION, ATA HOLDINGS CORP., DELTA AIR LINES, INC., et. al. (COMAIR, INC.) AND NORTHWEST AIRLINES CORPORATION, et. al. BANKRUPTCIES**

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board; and

WHEREAS, Section 2-362.09 of the Municipal Code provides that the City shall utilize services of the city, including but not limited to, aviation services, (including airfield, building, ground, operation and maintenance services), engineering services, personnel services, legal services, accounting services, payroll services, property acquisition services, public improvement design services, contract procurement and administrative services, purchasing services, financial services, fire services (excluding priority Aircraft Rescue and Fire Fighting Services), police services and general administration services, to administer, operate and maintain the airport, provided however, that if the board and city manager jointly agree that the city cannot provide the expertise, extra-ordinary effort, or special resources required for a particular project, the board may acquire and utilize outside services to accomplish such project; and

WHEREAS, the Legal Department recommended that outside counsel be retained to represent the City in the UAL Corporation, ATA Holdings, Corp., Delta Air Lines, Inc., et al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies; and

WHEREAS, the Airport Board authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the UAL Corporation bankruptcy by Resolution No. A02-276, and further authorized the City Attorney to retain local counsel in Illinois, authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the ATA Holdings Corp. bankruptcy by Resolution No. A04-221, and further authorized the City Attorney to retain local counsel in Indiana; authorized the hiring of Williams Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies by Resolution No. A-05-253 and approved correction of the hourly rate by Resolution No. A-05-294; and

WHEREAS, the Tishler & Wald, Ltd. law firm was retained as local counsel for the UAL Corporation bankruptcy and the Barnes & Thornburg, LLP law firm was retained as local counsel for the ATA Holdings Corp. bankruptcy; and

★ Roll Call Number

Agenda Item Number

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Date..... December 3, 2007

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WHEREAS, billings have been received from Myers & Jenkins in the amount of \$791.90 through November 19, 2007; and

WHEREAS, the Legal Department has reviewed the billings and recommends payment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that it hereby approves the payment of \$791.90 to the law firm of Myers & Jenkins and authorizes the Finance Department to submit payment for the invoices.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
David Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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STATEMENT

# Myers & Jenkins

A PROFESSIONAL CORPORATION  
LAW OFFICES

Phoenix Corporate Center  
3003 North Central Avenue  
Suite 1900  
Phoenix, Arizona 85012

Telephone: 602-200-7900  
Facsimile: 602-200-7910  
E-mail: ab@mjlegal.com  
Federal Tax Id. 86-0476704

November 20, 2007

City of Des Moines  
Mr. David Ferree  
Legal Department  
400 East First Street  
Des Moines, IA 50309

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In Reference To: Mesaba

Account No. 4422-007

For Services Rendered Through November 19, 2007

		<u>Hours</u>	<u>Amount</u>
10/22/2007	JS Check docket;	0.10	16.50
10/29/2007	JS Check docket;	0.10	16.50
10/31/2007	WSJ Telephone conference with David Ferree; E-mail from David Ferree; Two (2) conferences with Mr. Steinberg re review of bankruptcy file;	0.50	112.50
	JS Check airline docket for filings by airport authorities; Relating to consortium bond and lease issues; Conferences with Mr. Jenkins;	2.40	396.00
11/5/2007	JS Check docket;	0.10	16.50
11/13/2007	WSJ Telephone conference with David Ferree re Lease;	0.10	22.50
	JS Check docket;	0.10	16.50
11/19/2007	JS Check docket;	0.10	16.50
	For professional services rendered	<u>3.50</u>	<u>\$613.50</u>
Additional Charges :			
	Photocopy Expense		12.40
	Total costs		<u>\$12.40</u>
	Total amount of this bill		<u>\$625.90</u>
	Previous balance		\$135.90

This Statement does not include charges for telephone calls or other expenses incurred during the period covered by this billing and not yet received by this office.

November 20, 2007

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City of Des Moines

Mesaba

	<u>Amount</u>
10/22/2007 Payment - Thank You. Check No. 229648	(\$82.50)
Total payments and adjustments	(\$82.50)
Balance due	<u>\$679.30</u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
William Scott Jenkins	0.60	225.00	\$135.00
Jase Steinberg	2.90	165.00	\$478.50

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
\$625.90	\$53.40	\$0.00	\$0.00	\$0.00

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November 20, 2007

City of Des Moines  
Mr. David Ferree  
Legal Department  
400 East First Street  
Des Moines, IA 50309

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In Reference To: Northwest Airlines

Account No. 4422-006

For Services Rendered Through November 19, 2007

	<u>Hours</u>	<u>Amount</u>
10/22/2007 JS Check docket;	0.10	16.50
10/29/2007 JS Check docket;	0.10	16.50
11/5/2007 JS Check docket;	0.10	16.50
11/13/2007 JS Check docket;	0.10	16.50
11/19/2007 JS Check docket;	0.10	16.50
For professional services rendered	0.50	\$82.50
Previous balance		\$138.75
10/22/2007 Payment - Thank You. Check No. 229648		(\$82.50)
Total payments and adjustments		(\$82.50)
Balance due		<u>\$138.75</u>

### Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Jase Steinberg	0.50	165.00	\$82.50

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November 20, 2007

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City of Des Moines

Northwest Airlines

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Current	30 Days	60 Days	90 Days	120+ Days
\$82.50	\$56.25	\$0.00	\$0.00	\$0.00

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November 20, 2007

City of Des Moines  
Mr. David Ferree  
Legal Department  
400 East First Street  
Des Moines, IA 50309

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In Reference To: Delta Airlines

Account No. 4422-005

For Services Rendered Through November 19, 2007

	<u>Hours</u>	<u>Amount</u>
10/22/2007 JS Check docket;	0.10	16.50
10/29/2007 JS Check docket;	0.10	16.50
11/5/2007 JS Check docket;	0.10	16.50
11/13/2007 JS Check docket;	0.10	16.50
11/19/2007 JS Check docket;	0.10	16.50
For professional services rendered	0.50	\$82.50
Previous balance		\$138.75
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<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
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City of Des Moines

Delta Airlines

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Mr. David Ferree  
Legal Department  
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In Reference To: City of Des Moines re ATA (Chicago Express)

Account No. 4422-004

For Services Rendered Through November 19, 2007

Additional Charges :

	<u>Amount</u>
Pacer - District Court Research	1.00
Total costs	<u>\$1.00</u>
Previous balance	\$29.00
9/11/2007 Payment - Thank You. Check No. 226671	(\$29.00)
Total payments and adjustments	<u>(\$29.00)</u>
Balance due	<u><u>\$1.00</u></u>

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